

to fulfill, on a timely basis, its constitutional responsibility to “advise and consent” to nominations, judge-ships and executive branch management positions simply go unfilled.

Now, you may wonder, if this system is so dysfunctional, why did our Founding Fathers ever design the Senate like this? The answer is that they didn’t. The Founders envisioned the Senate and House passing legislation and confirming nominations by a simple majority, reserving supermajority for special purposes such as constitutional amendments and overriding a veto.

Alexander Hamilton, in fact, foresaw the current state of affairs in the Federalist Papers, observing that a supermajority requirement would have the “tendency to embarrass the operations of government,” and would create “tedious delays, continual negotiation and intrigue, [and] contemptible compromises of the public good.”

As a result of the Senate’s silent filibuster, the Senate failed to pass almost all of the appropriations bills in the last Congress. The number of bills the Senate passes has hit new lows, with fewer than 3 percent of bills introduced in the last Senate ever passing.

That is why yesterday, with my partner, Senator TOM UDALL, I introduced a resolution that will enhance debate and limit obstruction.

Core to these reforms is the “talking filibuster.” A Senator can still object but she or he must be continuously on the floor maintaining a debate on the subject. This still allows Senators to block a simple majority vote on a bill of profound consequence, but they have to spend a lot of time and energy to do so.

This reform would have two major consequences. By requiring time and energy to filibuster, it would strip away filibusters on noncontroversial issues that are currently used just to obstruct and delay, allowing the Senate to debate and decide issues. Second, it puts the filibuster on display before the American people, increasing transparency and accountability. If you filibuster, you must make your case before your colleagues and the public, so they know who is obstructing and what your arguments are, and allow the people to judge if you are a hero or a bum.

Senate dysfunction is compromising the Senate’s ability to respond to major issues facing our Nation. I want to thank Leader REID for reserving the right to not adopt the rules of the previous Congress, so we can have this important debate on the rules of this body when we come back from the State work period.

#### HONORING OUR ARMED FORCES

SERGEANT CLINTON K. RUIZ

Mr. UDALL of New Mexico. Mr. President, just a few weeks ago Americans gathered all across the Nation to commemorate Veterans Day. It is a day that we set aside to remember, and express our gratitude to, the men and

women who have served in our Armed Forces. It is a day to honor the heroes among us, and those who, sadly, have left us.

Today I wish to pay tribute to an American hero, Army SGT Clinton K. Ruiz. Sergeant Ruiz died on October 25 while on patrol in Uruzgan Province, Afghanistan, from injuries sustained from small arms fire. He was just 22 years old. He leaves behind a wife, Kira, and a baby son, Caleb.

As we face the tragedy of this brave young soldier’s death, it is important too that we remember his life. Sergeant Ruiz’s journey on this Earth ended far too soon, but his memory among those whose lives he touched, and in a nation’s gratitude, will endure.

Clinton Ruiz was born on March 14, 1990. He graduated from Murrieta Valley High School in Murrieta, CA, and enlisted with the Army in 2009. He was assigned to A Company, 9th Military Information Support Battalion, 8th Military Information Support Group. Sergeant Ruiz was deployed to Afghanistan in September.

In the decade that our military has been fighting in Afghanistan, thousands of our fellow citizens have volunteered to serve. These courageous men and women risk their own safety to protect the safety of others. They leave their homes and their loved ones to defend the freedoms that we hold dear. Over 2,000 of these heroes have paid the ultimate price, for our freedoms, in Afghanistan.

Words cannot lessen the sorrow of the loved ones who grieve for Sergeant Ruiz now. Words cannot fully express the gratitude our Nation owes this valiant soldier. We can only remember, indeed we must never forget, the sacrifice that SGT Clinton Ruiz made in service to our country.

President Kennedy said that “stories of past courage . . . can teach, they can offer hope, they can provide inspiration. But, they cannot supply courage itself. For this, each man must look into his own soul.” Sergeant Clinton Ruiz had such courage. In the face of great danger, at great risk to himself, he went where his country sent him. He was awarded the Bronze Star and the Purple Heart. He kept the promise he had made to serve. Our Nation is forever in his debt.

Sergeant Ruiz loved his family. He loved his country. He made the ultimate sacrifice defending it. To Sergeant Ruiz’s family, I offer my deepest sympathies. We honor Sergeant Ruiz’s courage. We remember his sacrifice. And we mourn your loss.

#### ADDITIONAL STATEMENTS

##### REMEMBERING BEN EISEMAN, MD

• Mr. UDALL of Colorado. Mr. President, today I wish to pay tribute to Dr. Ben Eiseman, a world-renowned surgeon, a true American and a great

friend of mine. Dr. Eiseman was an accomplished man in every sense of the word and is survived by his wife of 67 years, his four children and five grandchildren.

Dr. Eiseman was an incredibly intelligent individual and an avid self-learner. He graduated from Yale University in 1939 and went on to receive his Medical Degree from Harvard University in 1943. Dr. Eiseman possessed extraordinary scientific ingenuity that led him to discover an astonishing number of medical complications and cures.

In addition to these discoveries, Dr. Eiseman also authored and coauthored over 450 scientific papers, was principal editor of seven books on general surgery and was a retired Rear Admiral in the U.S. Navy Reserves—he was very proud of his service to his country. Whenever I mentioned Dr. Eiseman to other surgeons, whether they live in another State or another country, he or she would instantly know his name.

I worked with Dr. Eiseman during my time as Executive Director of the Colorado Outward Bound School. At that time he was chairman of the Board of Trustees, and he was a major influence in my life, an incredible friend, and a wise mentor. One of the reasons Dr. Eiseman and I were so close had much to do with our shared love for the great outdoors. He was one of the few people I knew who had climbed all of the mountains in Colorado over 14,000 feet.

I recall a time almost three decades ago—while I was still with Outward Bound—when Dr. Eiseman accompanied me on a winter climbing trip for advanced climbers. He was always asking us to think through each and every step. In asking the right questions and challenging us along the way, he made me a stronger leader.

One reason we all respected Dr. Eiseman was because we all admired his unassuming ruggedness. On this trip, where it was at least 10 degrees below zero, none of us were surprised as Dr. Eiseman walked around comfortably in his Converse high-tops while the rest of us muddled around, freezing in our high-tech, insulated boots. When it was time to rest for the night, most of the team rolled out their latest and greatest sleeping bags, while Dr. Eiseman pulled out the equivalent of a lawn chair cushion to curl up on for the night. Always the task master, Dr. Eiseman was the first one up in the morning to make sure that everyone, including myself, was thoroughly prepared to take on whatever was in store for us each day. It was just the way he was tough, rugged and focused.

Dr. Eiseman inspired me by the way he commanded respect from all who interacted with him. Sure, he was seen as intimidating by some, but for those who knew him, they were treated to his wonderful sense of humor. He was a dedicated community leader, outdoorsman, and patriot.

I am deeply saddened by the loss of my friend Ben Eiseman, but I know

that his work here on this Earth changed the lives of thousands and that his legacy will not be forgotten.

May his memory live on for years to come.●

#### HONORING GEORGE SMITH

● Mr. UDALL of New Mexico. Mr. President, just a few weeks ago our Nation commemorated Veterans Day. It is above all a day of remembrance and gratitude. A time to remember the courage and sacrifice of the brave men and women who have served our Nation in the Armed Forces. It is a day when we pay tribute to the heroes among us. And to those who are no longer with us.

Today I wish to honor one of those heroes. On Tuesday, October 30, our Nation lost a great American, Navajo Code Talker George Smith. Mr. Smith was born on June 15, 1922, in Mariano Lake, NM, and was Salt People Clan, born for Black Streak Wood People Clan. In 1943, he enlisted with the Marines. He was trained as a Navajo Code Talker and achieved the rank of corporal while serving in the Pacific. Corporal Smith fought in battles in Saipan, Tinian, Ryukyu Islands. He also served in Okinawa, Hawaii, and Japan. His brother, Albert Smith, also trained as a Code Talker, and served with him.

The Marines who constituted the Navajo Code Talkers were small in number, but monumental in significance. Their skills were crucial to American victory in the Pacific during World War II. They turned their language into an unbreakable code. In battle after battle, in the thick of ferocious combat, they used that code as a powerful weapon in securing Allied victory. Our Nation will never forget what George Smith, and his brother, Albert Smith, and all of their fellow Code Talkers accomplished.

Their service is all the more poignant in that they fought for freedom in a world that did not always accord freedom to them. When America entered World War II, the U.S. government had only recognized Native Americans as citizens for 17 years. In some places, tribal members still did not have the right to vote. 45,000 of the 350,000 Native Americans in the U.S. at that time served in the war. This tradition of military service by Native Americans continues to this day. Native Americans have the highest rate of service of any ethnic group.

Mr. Smith was awarded the Congressional Silver Medal. After the war, Code Talker Smith returned home and dedicated himself to his family and community. He worked at Fort Wingate in disposing of old ammunition, and then as a mechanic at Fort Wingate Trading Post. Eventually, he went to Fort Defiance, where he served as a shop foreman. He later worked as a heavy equipment mechanic in Shiprock.

Code Talker George Smith was blessed with a long life. When he passed

away last month, he was 90 years old. He will be missed by his family, his friends, and his community, and he will always be remembered by a grateful nation. I extend my deepest sympathies to his family. We are forever in his debt. I hope that those who mourn him now will find comfort in all that he accomplished. His life made a difference. His invaluable service during World War II saved lives. Our Nation is free because of heroes like Code Talker George Smith.●

#### HONORING VIRGIL WALLACE

● Mr. UDALL of New Mexico. Mr. President, in the annals of our Nation's military history, the story of the defenders of Bataan will long live in our collective memory. One of those great defenders, Mr. Virgil Wallace, recently passed away at the age of 99. Mr. Wallace survived the 4 month battle, the infamous Bataan Death March, and 3 years of horrendous captivity. He was the State of New Mexico's oldest Bataan veteran.

Our Nation is forever in debt to the extraordinary courage and sacrifice that Mr. Wallace and the "Batling Bastards of Bataan" demonstrated in the early days of World War II. Their heroic resistance helped slow the Japanese advance, allowing crucial time for the Allied forces to reorganize and eventually reverse Japan's progress. They played a crucial role in our Nation's history. I am proud to have sponsored legislation to award these valiant soldiers the Congressional Gold Medal.

The Japanese attack on the Philippines in December, 1941, just hours after the attack on Pearl Harbor, led to 4 months of intense combat. Outnumbered, outgunned, Mr. Wallace and his fellow soldiers put up a desperate fight. For 4 months, they struggled, they valiantly fought, against impossible odds, and without hope of resupply, until they finally surrendered.

Their suffering was only just beginning. The brutal Bataan Death March was followed by terrible conditions in Japanese prisons and work camps. Starvation. Torture. Forced work. And, for so many of these brave men, death. By the time they were rescued, toward the end of the war, half of New Mexico's 1,800 soldiers serving in Bataan had died. Another 300 would die from complications related to their captivity within a year of returning to the U.S. Mr. Wallace was held captive for more than 3 horrific years.

Virgil Wallace was awarded the Bronze Star and numerous other commendations for his heroic service. After the war, he returned to New Mexico, where he worked for the Department of Transportation and later Carrie Tingley Hospital in Truth or Consequences.

Our Nation will long remember this courageous soldier, a man who gave so much in service to his country. Mr. Wallace is one of the last of a legendary band of brothers, who rep-

resented the very best of who we are. In the dark days of the beginning of World War II, they showed America's fighting spirit and inspired a nation.

I extend my deepest sympathies to Mr. Wallace's family and friends. I hope that you will find comfort in your memories of his long, and distinguished, life. We honor his valor and his example, and we mourn your loss.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 41. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the National Flood Insurance Program.

The message further announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 1. Concurrent resolution to provide for the counting on January 4, 2013, of the electoral votes for President and Vice President of the United States.

S. Con. Res. 2. Concurrent resolution extending the life of the Joint Congressional Committee on Inaugural Ceremonies.

S. Con. Res. 3. Concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government.

The message further announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 3, 2013, the Speaker appoints the following Members of the House of Representatives to the Joint Economic Committee: Mr. BRADY of Texas and Mrs. MALONEY of New York.

#### TO TEMPORARILY INCREASE FEMA BORROWING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed